

November 2005 Unified Program Newsletter

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Upcoming Meetings

Workgroup on Information and Forms	November 22 nd	Jim Bohon	(916) 327-5097
Data Management Steering Committee	November 29 th	Jim Bohon	(916) 327-5097
Enforcement Steering Committee	November 29 th	Larry Matz	(916) 327-3442
UST Steering Committee (revised)	November 22 nd	Liz Haven	(916) 341-5752
ESC Violation Classification WG	November 22 nd	Dennis Karidis	(916) 327-9558
UP Administrative and Advisory Group	December 1 st	Don Johnson	(916) 322-8284
Workgroup on Information and Forms	December 7 th	Jim Bohon	(916) 327-5097

Organization Changes

Dennis Karidis, an Environmental Scientist with the Unified Program Unit, will be leaving to take a position in the Sacramento County CUPA on December 5th. Many of you know Dennis from his professional demeanor and coordination as Team Leader during the CUPA Evaluation process. Others know him from his hard work on a number of inspection and enforcement work groups and task forces over the past several years. We wish Dennis good luck with his new position and will surly miss his talent.

State Water Resources Control Board

California UST Inspector Certification

As of October 1, 2005, a total of 395 persons had obtained ICC UST Inspector Certificates. We recommend that, when an UST inspector signs UST facility inspection reports, the inspector also include her or his ICC UST Inspector Certificate number. Other ICC California UST programs: Designated UST Operators - 3565; UST Service Technicians - 766; UST Installers with a California address - 535. UST Program Contact: Laura Chaddock (lchaddock@waterboards.ca.gov; 916-341-5870).

Single-Walled UST Survey

On September 22, 2005 in cooperation with the CUPA Forum Board, we sent to the primary UST contact at each local agency a survey to gather information on the number of UST facilities with single-walled UST systems (SW tanks with SW piping, SW tanks with DW piping, and/or DW tanks with SW piping). Additionally, information was requested on the number of SW UST systems that serve as the only fueling location for large rural geographical areas. With a requested due date of October 21, 2005, by the end of October about 60% of the surveys had been submitted. UST Program Contact: Raed Mahdi (rmahdi@waterboards.ca.gov; 916-341-5871)

Department of Toxic Substances Control

DTSC's Proposed Regulations for UPA Corrective Action Qualifications

The DTSC has issued proposed regulations that establish corrective action qualifications for Unified Program Agencies (UPAs). State and federal laws establish authority and procedures for ensuring that actions are taken to address releases of hazardous waste and constituents that pose a threat to public health or the environment. In California, DTSC may take or require corrective action at hazardous waste

facilities. State also law allows UPAs to require or conduct corrective action in accordance with this statutory authority, if DTSC determines the UPA is qualified to do so.

The proposed regulations establish the qualifications and a procedure for determining whether a UPA is qualified to implement corrective action at facilities under their jurisdiction. DTSC must adopt regulations specifying these procedures and criteria to provide to UPAs authority for environmental assessment and corrective action at unified program facilities. To ensure that the environmental assessment and corrective action activities of the UPAs are consistent with those conducted by DTSC, the criteria in the proposed regulations are based on DTSC's own personnel qualifications. In addition, qualified UPAs will be required to follow the corrective action procedures specified in the proposed regulations, which are consistent with DTSC's corrective action procedures.

The proposed regulations establish two tiers of qualifications for UPAs to conduct corrective action at unified program facilities. The Tier 1 level of qualification requires personnel expertise requirements equivalent to the Hazardous Substances Scientist or Hazardous Substances Engineer personnel classifications used by DTSC with two years of experience and specified technical expertise, in addition to two years of agency experience and various demonstrations, including the ability to issue orders and the corrective action procedure used. A UPA qualified in Tier 1 may, among other activities, conduct or require corrective action at unified program facilities that meet the definition of less complex sites. A less complex site is defined, among other conditions as a site at which the selected corrective action alternative is removal and disposal of a specified amount of contaminated soil (no more than 60 cubic yards), and the remaining contamination at the site does not pose a significant threat to human health.

The Tier 2 level of qualification includes the requirements for Tier 1 as well as additional experience and the technical expertise necessary for the review and approval of engineering, geological, and toxicological interpretations, conclusions and recommendations. A UPA qualified for Tier 2 may require or undertake corrective action at any UPA facility, in accordance with the corrective action provisions outlined in section 68400.16 of the proposed regulations. These corrective action provisions are consistent with the corrective action requirements that DTSC specifies in a corrective action agreement or order.

The public notice and text of the proposed regulations may be viewed at DTSC's website at <http://www.dtsc.ca.gov> under "Laws, Regulations and Policies." The public comment period began October 15, 2005, and will end November 28, 2005. DTSC will hold a public hearing on the proposed regulations at 10:00 a.m. on November 28, 2005, in the Coastal Hearing Room, 2nd Floor, 1001 "I" Street, Sacramento, at which time any person may present statements or arguments orally or in writing, relevant to this proposal. Please submit written comments to Ms. Joan Ferber, Regulations Coordinator, Environmental Analysis and Regulations Section, Department of Toxic Substances Control, P.O. Box 806, Sacramento, CA 95812-0806, or to regs@dtsc.ca.gov. Written comments on the rulemaking submitted no later than 5:00 p.m. on November 28, 2005, will be considered.

Inquiries regarding technical aspects of the proposed regulations may be directed to Nancy Ostrom of DTSC at (916) 324-3385 or to Karl Palmer of DTSC at (915) 445-2625. To be included in this regulation package's mailing list, and to receive updates of this rulemaking, please leave a message on the DTSC mailing list phone line at (916) 324-9933, submit an e-mail message to regs@dtsc.ca.gov, or submit a message to the listserv for these proposed regulations at www.calepa.ca.gov/Listservs/dtsc.

The Unified Program Section is interested in your comments and suggestions regarding the monthly newsletter. Please provide comments and suggestions to cupa@calepa.ca.gov.

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